

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|----------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 11-0276-CR-W-GAF |
| |) | |
| SIMON L. WERTENBERGER, |) | |
| |) | |
| Defendant. |) | |

ORDER

Now pending before the Court is Defendant's Motion to Suppress Evidence (Doc. #32). Defendant asserts that there was no reasonable suspicion for an investigative stop and, therefore, the gun seized after he was stopped should be suppressed.

On September 17, 2012, Chief United States Magistrate Judge Robert E. Larsen conducted an evidentiary hearing on Defendant's motion. On October 17, 2012, Magistrate Judge Larsen issued his Report and Recommendation (Doc. #44). No objections have been filed by Defendant to Magistrate Judge Larsen's Report and Recommendation.

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge Robert E. Larsen.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Evidence (Doc. #32) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: November 1, 2012